

HB 1157

2006
CS

CHAMBER ACTION

1 The Health Care Regulation Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to dental charting; amending s. 466.023,
7 F.S.; expanding the scope and area of practice of dental
8 hygienists to include dental charting; creating s.
9 466.0235, F.S.; providing for regulation of dental
10 charting; providing a definition; authorizing dental
11 hygienists to perform dental charting under certain
12 conditions; regulating the use and content of disclosure
13 and charting forms; requiring the Board of Dentistry to
14 approve disclosure and charting forms; limiting the
15 applicability of dental charting; providing restrictions
16 on periodontal probe use in dental charting; providing
17 restrictions on dental charting reimbursement, referrals
18 made in conjunction with the provision of dental charting
19 services, and the provision of dental charting by a dental
20 hygienist without supervision; providing an effective
21 date.

22
23 Be It Enacted by the Legislature of the State of Florida:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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25 Section 1. Subsection (5) of section 466.023, Florida
26 Statutes, is renumbered as subsection (6) and a new subsection
27 (5) is added to that section to read:

28 466.023 Dental hygienists; scope and area of practice.--

29 (5) Dental hygienists may, without supervision, perform
30 dental charting as provided in s. 466.0235.

31 Section 2. Section 466.0235, Florida Statutes, is created
32 to read:

33 466.0235 Dental charting.--

34 (1) For purposes of this section, the term "dental
35 charting" means a recording of visual observations of clinical
36 conditions of the oral cavity without the use of X rays,
37 laboratory tests, or other diagnostic methods or equipment,
38 except the instruments necessary to record visual restorations,
39 missing teeth, suspicious areas, and periodontal pockets.

40 (2) A dental hygienist may, without supervision and within
41 the lawful scope of his or her duties as authorized by law,
42 perform dental charting of hard and soft tissues in public and
43 private educational institutions of the state and Federal
44 Government, nursing homes, assisted living and long-term care
45 facilities, community health centers, county health departments,
46 mobile dental or health units, and epidemiological surveys for
47 public health. A dental hygienist may also perform dental
48 charting on a volunteer basis at health fairs.

49 (3) Each person who receives a dental charting pursuant to
50 this section, or the parent or legal guardian of the person,
51 shall receive and acknowledge a written disclosure form before

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52 receiving the dental charting procedure that states that the
53 purpose of the dental charting is to collect data for use by a
54 dentist at a prompt subsequent examination. The disclosure form
55 shall also emphasize that diagnosis of caries, soft tissue
56 disease, oral cancer, temporomandibular joint disease (TMJ), and
57 dentofacial malocclusions can only be completed by a dentist in
58 the context of delivering a comprehensive dental examination.

59 (4) The board shall approve the content of charting and
60 disclosure forms to be used under this section. Both forms shall
61 emphasize the inherent limitations of dental charting and
62 encourage complete examination by a dentist in rendering a
63 professional diagnosis of the patient's overall oral health
64 needs.

65 (5) Dental charting performed under this section is not a
66 substitute for a comprehensive dental examination.

67 (6) Medical clearance by a physician or dentist is
68 required before a periodontal probe may be used on a person who
69 receives a dental charting.

70 (7) Nothing in this section shall be construed to permit
71 direct reimbursement for dental charting performed under this
72 section by Medicaid, health insurers, health maintenance
73 organizations, prepaid dental plans, or other third-party payors
74 beyond what is otherwise allowable by law.

75 (8) All referrals made in conjunction with the provision
76 of dental charting services under this section shall be in
77 strict conformance with federal and state patient referral,
78 anti-kickback, and patient brokering laws.

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79 (9) A dental hygienist performing dental charting without
80 supervision shall not be deemed to have created either a patient
81 of record or a medical record.

82 Section 3. This act shall take effect July 1, 2006.